
ACKNOWLEDGEMENT

UBC's Point Grey Campus is located on the traditional, ancestral, and unceded territory of the xwməθkwəyəm (Musqueam) people. The land it is situated on has always been a place of learning for the Musqueam people, who for millennia have passed on in their culture, history, and traditions from one generation to the next on this site.

COURSE INFORMATION

Course Title	Course Code Number	Credit Value
Canadian Private Law: Contractual Obligations & Remedies	LAW 515.001	5

CONTACTS

Course Instructor(s)	Contact Details	Office Location	Office Hours
Robert Russo	russo@allard.ubc.ca	ALRD 346	By Appointment, In-Person/via Zoom

COURSE STRUCTURE

This course will be taught in-person. Classes will be video recorded and available on the course website.

Class Dates: May 7 – June 6, 2024

Location: ALLARD Room 105

Class Time: Tuesdays & Thursdays, 9-4:50pm Classes will have morning and afternoon breaks and a lunch break.

Final Exam: June 11, 9am, ALLARD ROOMS 105 & 114

COURSE MATERIALS

The required textbook and casebook for this course:

- B MacDougall, *Introduction to Contracts*, 5th ed. (Toronto: LexisNexis, 2022)
- S Ben-Ishai & D Percy, *Contracts: Cases and Commentaries*, 11th ed., (Toronto: Thomson Reuters, 2022)

The books may be purchased at UBC Bookstore. Used copies may be available.

Prior editions of books may be used but page numbers will differ and some newer cases may be omitted.

LEARNING OUTCOMES

This course will provide the foundation necessary to critically engage in legal issues arising from agreements voluntarily entered into by two or more parties. It will examine historical, contemporary and hypothetical cases, resulting in a thorough understanding of the formation of contracts, the factors affecting their continued existence and the remedies available for breach of contract. Students will become equipped for further work in many related areas of law.

LEARNING ACTIVITIES

Class format is primarily lecture and discussion of assigned topics and cases. Students will be expected to brief case law and engage in discussion of weekly topics. Weekly quizzes will be assigned and expected to be completed in-class. Completion of these quizzes also assists in learning the material. The quizzes are also designed to provide me with feedback on what topics may require more time and attention in class. Students should bring a laptop/tablet to class as quizzes will be completed on Canvas. Students should note that this course covers a semester's content in a much more compressed time period. There is a fair amount of reading although most cases have short excerpts.

ASSESSMENTS OF LEARNING

Students will be assessed according to the following scheme:

- Participation (student case briefs): (Graded Complete/Incomplete – see below)
- Quizzes (completed on Canvas): 10%
- Final Examination: 90%

Participation (Graded on Complete/Incomplete): each student is expected to **brief/summarize at least two cases to the class during the course. A word/text document or powerpoint should be sent to the instructor prior to the brief/summary.** The Participation component of the course is graded on a Complete/Incomplete basis. 5% will be deducted from the final course mark for students who do not give any case briefs during the course. Students who brief only 1 case will have 2% deducted from their final course mark.

Quizzes (10%)

There are weekly quizzes, consisting of multiple-choice, true/false type questions and have a time limit. The quizzes review the weekly topics and cases. Completion of these quizzes also assists in learning the material. The marks from the quizzes will be scaled to **10% of the final course mark.** Quizzes are released every Thursday. Time will be given to complete each quiz in class but students may complete & submit quizzes before deadline of following Sunday, 11:59 PM. **Once you start a quiz you must complete it.**

Final Exam (90%)

The final exam for the course will be an open-book exam, meaning you can use any written materials from the course such as your lecture notes or textbooks. Use of electronic notes, texts, or other materials are not permitted by Allard law exam rules.

SCHEDULE OF TOPICS

The references to MacDougall are to pages or chapters in the book Introduction to Contracts.

Date:	Topic	Text Readings
Week 1: May 7 & 9	Introduction to Law of Contracts Formation of the Contract – Offer & Acceptance	<ul style="list-style-type: none">• MacDougall, pp 1-18; Chapter 1• MacDougall, Chapters 3 & 4
Week 2: May 14 & 16	Formation of the Contract – Terms & Legal Relations Enforceability Issues	<ul style="list-style-type: none">• MacDougall, Chapters 7-8• MacDougall, Chapter 6; pp 67-69; 135-139
Week 3: May 21 & 23	Content of the Contract Extending & Limiting Liability	<ul style="list-style-type: none">• MacDougall, Chapters 10-11, 22• MacDougall, Chapters 12, 14
Week 4: May 28 & 30	Excuses for Contractual Non-Performance	<ul style="list-style-type: none">• MacDougall, Chapters 13, 15-16, 21• MacDougall, Chapters 17-19
Week 5: June 4 & 6	Remedies	<ul style="list-style-type: none">• MacDougall, pp 351-354; Ch. 23• MacDougall, Chapters 24

The following are weekly case law reading excerpts. Page references are to the 11th ed Ben-Ishai & Percy casebook.

Week 1		Week 3 (cont'd)	
• <i>Canadian Dyers Assn. Ltd. v Burton</i>	42	• <i>Machtinger v Hoj</i>	546
• <i>Pharmaceutical Society v Boots</i>	46	• <i>Thornton v Shoe Lane Parking</i>	558
• <i>Carlill v Carbolic Smoke Ball Co</i>	50	• <i>McCutcheon v David MacBrayne</i>	568
• <i>Williams v Carwardine</i>	71	• <i>Tilden Rent-a-Car v Clendenning</i>	572
• <i>R. v Clarke</i>	72	• <i>Karroll v Silver Star Mountain Resorts</i>	576
• <i>Byrne v Van Tienhoven</i>	136	• <i>Photo Production v Securicor</i>	585
• <i>Dickinson v Dodds</i>	133	• <i>Tercon Contractors v BC</i>	586
• <i>Errington v Errington and Woods</i>	138	• <i>Hart v O'Connor</i>	785
• <i>Livingstone v Evans</i>	76		
• <i>Barrick v Clark</i>	140	Week 4	
• <i>Butler Machine Tool v Ex-cell-o Corp.</i>	78	• <i>Redgrave v Hurd</i>	385
• <i>Felthouse v Bindley</i>	101	• <i>Smith v Land and House Property Corp.</i>	389
• <i>Brinkibon v Stahag Stahl</i>	116	• <i>Kupchak v Dayson Holdings</i>	394
• <i>May & Butcher v R</i>	150	• <i>Smith v Hughes</i>	602
• <i>Hillas v Arcos (HL)</i>	152	• <i>Bell v Lever Bros.</i>	616
• <i>Foley v Classique Coaches Ltd.</i>	158	• <i>Solle v Butcher</i>	628
• <i>Empress v Bank of Nova Scotia</i>	162	• <i>McRae v CDC</i>	621
• <i>Mannpar Enterprises v Canada</i>	165	• <i>Great Peace Shipping v Tsavliris Salvage</i>	630
• <i>Balfour v Balfour</i>	270	• <i>Miller Paving v B Gottardo Constr.</i>	631
• <i>Rose and Frank v JR Crompton Bros.</i>	273	• <i>Shogun Finance v Hudson</i>	636
• <i>Household Fire v Grant</i>	109	• <i>Saunders v Anglia Bldg. Socy</i>	644
• <i>Holwell Securities v Hughes</i>	112	• <i>Marvco Color v Harris</i>	646
		• <i>Sylvan Lake Golf v Performance Industries</i>	655
Week 2		• <i>Canada v Fairmont Hotels</i>	665
• <i>Royal Bank v Kiska</i>	284	• <i>Greater Fredericton Airport v NAV Canada</i>	728
• <i>Thomas v Thomas</i>	204	• <i>Geffen v Goodman Estate</i>	743
• <i>B (D.C.) v Arkin</i>	206	• <i>Morrison v Coast Finance</i>	764
• <i>Eastwood v Kenyon</i>	201	• <i>Harry v Kreutziger</i>	764
• <i>Lampleigh v Brathwait</i>	203	• <i>Heller vs Uber Technologies</i>	761
• <i>Pao On v Lau Yiu Long</i>	211	• <i>Shafron v KRG Insurance Brokers</i>	794
• <i>Gilbert Steel v University Constr</i>	216	• <i>Still v Minister of National Revenue</i>	792, 813
• <i>NAV Canada v Greater Fredericton Airport</i>	228	• <i>Paradine v Jane</i>	681
• <i>Foakes v Beer</i>	221	• <i>Taylor v Caldwell</i>	682
• <i>Foot v Rawlings</i>	224	• <i>Davis Contractors v Fareham UDC</i>	687
• <i>Central London Property v High Trees</i>	242	• <i>Capital Quality Homes v Colwyn Const.</i>	692
• <i>John Burrows v Subsurface Surveys</i>	245	• <i>Victoria Wood v Ondrey</i>	694
• <i>D & C Builders v Rees</i>	248	• <i>Maritime National Fish v Ocean Trawlers</i>	709
• <i>Combe v Combe</i>	259		
• <i>M(N) v A(AT)</i>	265	Week 5	
• <i>Tweddle v Atkinson</i>	314	• <i>Fuller and Purdue article</i>	837
• <i>Dunlop Pneumatic Tyre v Selfridge's</i>	315	• <i>McRae v CDC</i>	847
• <i>Beswick v Beswick (CA)</i>	321	• <i>Sunshine Vacation Villas v The Bay</i>	856
• <i>Beswick v Beswick (HL)</i>	323	• <i>Attorney-General v Blake</i>	860
• <i>London Drugs v Kuehne & Nagel</i>	337	• <i>Chaplin v Hicks</i>	872
• <i>Fraser River Pile v Can-Dive Services</i>	348	• <i>Groves v John Wunder</i>	875
• <i>Gallen v Allstate Grain Co.</i>	457	• <i>Jarvis v Swans Tours</i>	894
		• <i>Hadley v Baxendale</i>	933
Week 3		• <i>Victoria Laundry v Newman</i>	935
• <i>Heilbut, Symons & Co. v Buckleton</i>	402	• <i>Koufos v Czarnikow (The Heron II)</i>	943
• <i>Leaf v International Galleries</i>	409	• <i>Southcott Estates v Toronto Catholic School</i>	961
• <i>Hong Kong Fir v Kawasaki Kisen Kaisha</i>	469	• <i>Semelhago v Paramadevan</i>	955
• <i>Wickman Machine Tools v Schuler</i>	476	• <i>Shatilla v Feinstein</i>	971
• <i>Fairbanks v Sheppard</i>	498	• <i>H.F. Clarke Ltd. v Thermidaire</i>	975
• <i>Sumpter v Hedges</i>	502	• <i>J.G. Collins Insurance v Elsley</i>	983
• <i>Bhasin v Hrynew</i>	483	• <i>Stockloser v Johnson</i>	985
• <i>C.M. Callow Inc. v Zollinger</i>	website & 495 (note 9)	• <i>John Dodge Holdings v 805062 Ontario</i>	995
• <i>Wastech v. Greatr Vanc Sewer</i>	website & 494 (note 6)	• <i>Warner Bros. v Nelson</i>	1001

UNIVERSITY POLICIES

UBC provides resources to support student learning and to maintain healthy lifestyles but recognizes that sometimes crises arise and so there are additional resources to access including those for survivors of sexual violence. UBC values respect for the person and ideas of all members of the academic community. Harassment and discrimination are not tolerated nor is suppression of academic freedom. UBC provides appropriate accommodation for students with disabilities and for religious observances. UBC values academic honesty and students are expected to acknowledge the ideas generated by others and to uphold the highest academic standards in all of their actions.

Details of the policies and how to access support are available on [the UBC Senate website](#).

OTHER COURSE POLICIES

When engaging in discussions keep in mind that an inclusive, respectful, and diverse environment for discussion is crucial to the work in this course. Please ensure that all class members feel welcomed and equally able to contribute to class discussions. I encourage vigorously exploring and explaining views, but always endeavour to be respectful in language, choice of examples, and the manner in which discussions are conducted.

LEARNING RESOURCES

UBC's Learning Commons is physically located in the Ike Barber building, but many of its resources are available online at: <http://learningcommons.ubc.ca/> . The Commons provides academic and wellness support to students, and has very specific support services for improving writing skills and citing sources. The Writing Centre, which is part of the Learning Commons, offers free writing support for all UBC students. The support includes: one-on-one tutoring, self-learning resources available online, and workshops. This is a great resource for those of you who may need assistance with basic writing skills.

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Students may record classes for course study use only.

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